

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

CA #:03 CV 12463 RGS

GREAT NORTHERN INSURANCE CO.  
as subrogee of PHYLLIS MACNEIL  
1000 Pillsbury Center  
Minneapolis, MN 55402

Plaintiff

v.

INTERCITY ALARMS, INC.  
20 North Main Street  
Yarmouth, MA 02664

Defendant

**PLAINTIFF'S MOTION TO DETERMINE THE SUFFICIENCY OF THE RESPONSES  
TO PLAINTIFF'S REQUEST FOR ADMISSIONS**

Plaintiff, Great Northern Insurance Company, as subrogee of Phyllis MacNeil, by and through its counsel, hereby requests the Court to compel full and complete Responses to its Requests for Admissions and, in support thereof, avers and follows:

1. On April 8, 2004, plaintiff served Requests for Admissions upon defendant, Intercity Alarms, Inc. [True and correct copies of plaintiff's Requests for Admissions are attached hereto and marked as plaintiff's Exhibit "A"].
2. A copy of the Falmouth Fire Rescue Department's report was attached to Plaintiff's Requests for Admission. [A true and correct copy of said report is attached hereto as Exhibit "B"].
3. On April 26, 2004, defendant, Intercity Alarms, Inc. responded to plaintiff's First Set of Requests for Admissions. [True and correct copies of defendant, Intercity Alarms, Inc.'s Responses are attached hereto as Exhibit "C"].

4. Responses to Requests Nos. 2, 3, 5, 6, 7, 8, 9, 10, and 11 stated that "Defendant cannot admit or deny . . . as no one employed with the defendant has personal knowledge of the facts requested to be admitted or denied."

5. On April 29, 2004, counsel for plaintiff sent counsel for Intercity Alarms, Inc. a letter indicating that defendant's responses were not in conformance with the Federal Rules of Civil Procedure 36(a). [A true and correct copy of plaintiff counsel's letter is attached hereto as Exhibit "D"].

6. On May 3, 2004, counsel for Intercity Alarms responded to counsel for Great Northern, indicating that it was premature to respond do such Requests for Admissions because discovery was not yet complete. [A true and correct copy of defendant counsel's letter is attached hereto as Exhibit "E"].

7. On October 5, 2004, plaintiff again requested that Intercity Alarms, Inc. properly respond to plaintiff's Requests for Admissions, as all fact discovery had been completed. [A true and correct copy of plaintiff counsel's letter is attached hereto as Exhibit "F"].

8. On November 23, 2004, plaintiff again requested that Intercity Alarms, Inc. respond to plaintiff's Requests for Admissions. [A true and correct copy of plaintiff counsel's letter is attached hereto as Exhibit "G"].

9. On December 10, 2004, counsel for Defendant Intercity Alarms, Inc. sent a letter to counsel for Plaintiff and stated that Defendant was unable to respond to Plaintiff's Requests for Admissions because Defendant had no personal knowledge of the requested admissions. [A true and correct copy of defendant counsel's letter is attached hereto as Exhibit "H"].

For the reasons set forth above, as well as in the accompanying Memorandum of Law in Support of Plaintiff's Motion to Determine the Sufficiency of the Responses to Plaintiff's Requests for Admission, Plaintiff respectfully requests this Court for an Order compelling

defendant, Intercity Alarms, Inc. to more fully respond to plaintiff's Requests for Admissions, or in the alternative, to order that these Requests are deemed admitted.

Respectfully submitted,  
GREAT NORTHERN INSURANCE CO.  
By its attorneys,

s/ Christine K. Tramontana  
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